

# **EXHIBIT 1**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING  
PHARMACY, INC. PRODUCTS LIABILITY  
LITIGATION

MDL No. 1:13-md-2419-FDS

This Document Relates to:  
All Cases

IN RE: NEW ENGLAND COMPOUNDING  
PHARMACY CASES

Master Docket No. 12-12052-FDS

This Document Relates to:  
All Cases

**DECLARATION OF REBECCA L. FORDON IN SUPPORT OF THE STATEMENT OF  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS  
IN RESPONSE TO PLAINTIFFS STEERING COMMITTEE'S  
PROPOSED CASE MANAGEMENT ORDER**

I, Rebecca L. Fordon, declare as follows:

I am an attorney associated with the firm Brown Rudnick LLP (“Brown Rudnick”), counsel to the Official Committee of Unsecured Creditors (the “Committee”) of New England Compounding Pharmacy, Inc. (the “Debtor”). I submit this Declaration in support of the *Statement of Official Committee of Unsecured Creditors in Response to Plaintiffs Steering Committee’s Proposed Case Management Order* (the “Statement”), dated June 18, 2013. Capitalized terms used and not defined shall have the meaning ascribed to them in the Statement. The document attached to this Declaration is from a source that I consider reliable:

A true and correct copy of the June 7, 2013 letter by William Baldiga (counsel to the Official Committee) on behalf of the Official Committee to the PSC, accepted and agreed to by Thomas Sobol (Lead Counsel) on behalf of the PSC, with nonrelevant portions redacted, is

attached hereto as Exhibit A.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on the 18th day of June, 2013.

/s/ Rebecca L. Fordon  
Rebecca L. Fordon

61272007

# **EXHIBIT A**



WILLIAM R. BALDIGA  
direct dial: (212) 209-4942  
fax: (617) 289-0420  
wbaldiga@brownrudnick.com

One  
Financial  
Center  
Boston  
Massachusetts  
02111  
tel 617.856.8200  
fax 617.856.8201

June 6, 2013

The Plaintiffs' Steering Committee, appointed in  
In re New England Compounding Pharmacy  
Cases Litigation, MDL No. 2419, Master  
Docket No. 12-cv-12052 (D. Mass)  
Thomas Sobol, Esq., Lead Counsel  
HAGENS BERMAN SOBOL SHAPIRO LLP  
55 Cambridge Parkway, Suite 301  
Cambridge, MA 02142

RE: In re New England Pharmacy, Inc., Case No. 12-19882-HJB (Bankr. D. Mass.) (the "Chapter 11 Case") and In re New England Compounding Pharmacy Cases Litigation, MDL No. 2419, Master Docket No. 12-cv-12052 (D. Mass) (all actions assigned to MDL 2419 collectively referred to as the "MDL Cases")

Dear Tom:

This Letter Agreement memorializes conversations and verbal agreements between the Official Committee of Unsecured Creditors of New England Compounding Pharmacy, Inc. (the "Official Committee"), appointed by the United States Bankruptcy Court for the District of Massachusetts (the "Bankruptcy Court") in the Chapter 11 Case, and the Plaintiffs' Steering Committee ("PSC" and, together with the Official Committee, the "Parties") appointed by the United States District Court for the District of Massachusetts (the "MDL Court") in the MDL Cases with respect to coordination and communication between the PSC and Official Committee between Official Committee.

1. Contemporaneous with the execution of this Agreement, the PSC will send to the defendants a proposed case management order to govern the MDL Cases, in the form attached hereto as Exhibit A (in such form, the "Proposed CMO").<sup>1</sup> The PSC and Official Committee each agree to, in good faith, negotiate with the defendants and seek the MDL Court's approval of the Proposed CMO (revised to include any changes requested by the defendants that the PS and Official Committee deem unobjectionable).

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<sup>1</sup> Capitalized terms not defined herein have the meaning set forth in the Proposed CMO.



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June 6, 2013  
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Very truly yours,

**The Official Committee,  
by its counsel, duly authorized:**

*William R. Baldiga*

William R. Baldiga, Esq.

**BROWN RUDNICK LLP**

One Financial Center

Boston, MA 02111

**Acknowledged and Agreed,**

**The PSC, by Lead Counsel, duly authorized:**

\_\_\_\_\_  
Thomas Sobol, Esq.

**HAGENS BERMAN SOBOL SHAPIRO LLP**

55 Cambridge Parkway, Suite 301

Cambridge, MA 02142



Very truly yours,

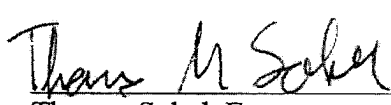

**The Official Committee,  
by its counsel, duly authorized:**

---

William R. Baldiga, Esq.  
**BROWN RUDNICK LLP**  
One Financial Center  
Boston, MA 02111

**Acknowledged and Agreed,**

**The PSC, by Lead Counsel, duly authorized:**

   
\_\_\_\_\_  
Thomas Sobol, Esq.  
**HAGENS BERMAN SOBOL SHAPIRO LLP**  
55 Cambridge Parkway, Suite 301  
Cambridge, MA 02142

**EXHIBIT A**

DRAFT – For Discussion Purposes

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING  
PHARMACY CASES LITIGATION

MDL No. 2419  
Master Docket No. 12-cv-12052 (FDS)

THIS DOCUMENT RELATES TO:

All Actions

**[Proposed] MDL Order No. \_\_\_\_**  
May \_\_\_, 2013

**CASE MANAGEMENT ORDER**

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**H. Settlement Discussions with Unaffiliated Defendants**

To the extent that there are settlement discussions with Unaffiliated Defendants or entities with no asserted claims against them in MDL 2419 alleging personal injury and/or wrongful death related to the use of a product sold by NECP (the "Non-Parties") outside of the context of the Trustee's ongoing settlement discussions under the Affiliated Defendant Protocol Order, those settlement negotiations will be conducted with the cooperation and participation of the Plaintiffs' Steering Committee, the Official Committee, and the Trustee (to the extent the Trustee desires to do so) (the "Settlement Participants").

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**I. Mediation with Unaffiliated Defendants and Non-Parties**

Plaintiffs' Lead Counsel, the Trustee, and the Official Committee shall confer and shall submit to the Court within thirty (30) days a proposed mediation order (the "Proposed Mediation Order") pertaining to all Unaffiliated Defendants and Non-Parties to be entered in this Court and the Bankruptcy Court.

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IT IS SO ORDERED.

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The Honorable F. Dennis Saylor IV  
United States District Judge

Dated: May \_\_, 2013